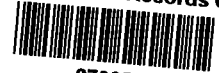


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EPA Region 5 Records Ctr.



270055

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

CITY OF ALBION, MICHIGAN,)
Defendant/Third-Party)
Plaintiff, Counter-)
Defendant, Counter-)
Claimant,)

v.)

COOPER INDUSTRIES, INC. and)
CORNING, INCORPORATED,)

Third-Party Defendants,)
Counter-Claimants and)
Third-Party Plaintiffs,)

v.)

DECKER MANUFACTURING)
CORPORATION,)
Third-Party Defendant,)
Counter-Claimant)
and Cross-Claimant.)

Case No. 1:97-CV-1037

Hon. David W. McKeague

Mag. Joseph G. Scoville

CONSENT DECREE

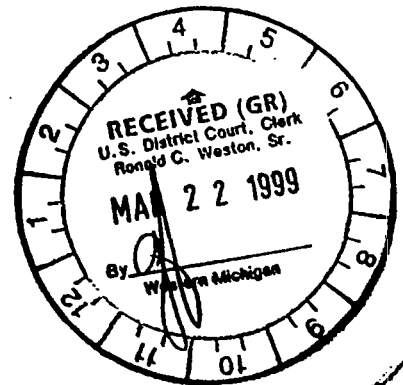


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X. ACCESS AND INSTITUTIONAL CONTROLS

31. If the Site, or any other property where access and/or land/water use restrictions are needed to implement this Consent Decree, is owned or controlled by any of the Settling Defendants, such Settling Defendants shall:

a. Commencing on the date of lodging of this Consent Decree, provide the United States and its representatives, including EPA and its contractors, upon presentation of credentials, with access at all reasonable times to the Site, or any other property owned or controlled by Settling Defendants to which access is required, for the purpose of conducting any activity related to this Consent Decree including, but not limited to, the following activities:

- (1) Monitoring the Work;**
- (2) Verifying any data or information submitted to the United States ;**
- (3) Conducting investigations relating to contamination at or near the Site;**
- (4) Obtaining samples;**
- (5) Assessing the need for, planning, or implementing additional response actions at or near the Site;**
- (6) Implementing the Work pursuant to the conditions set forth in Paragraph 101 of this Consent Decree;**
- (7) Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Settling Defendants or their agents, consistent with Section XXVI (Access to Information);**
- (8) Assessing Settling Defendants' compliance with this Consent Decree; and**
- (9) Determining whether the Site or other property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted, by or pursuant to this Consent Decree.**

b. Commencing on the date of lodging of this Consent Decree, refrain from using the Site, or such other property, in any manner that would interfere with or adversely affect the integrity or protectiveness of the remedial measures to be implemented pursuant to this Consent Decree, and shall: (i) allow control of access to the Site and Adjacent Parcels by

means of a fence to be installed by Settling RA Defendants as part of the RA Work; (ii) allow implementation of a maintenance program for the landfill cap including protection of vegetative layer and periodic inspection; (iii) allow restrictions on future development of the Site; (iv) allow restrictions on construction of water wells; and (v) provide advisories to all subsequent property owners.

c. Within 30 days of entry of this Consent Decree, execute and record in the Recorder's Office of Calhoun County, State of Michigan, an easement, running with the land, that (i) grants a right of access for the purpose of conducting any activity related to this Consent Decree including, but not limited to, those activities listed in Paragraph 31.a of this Consent Decree, and (ii) grants the right to enforce the land/water use restrictions listed in Paragraph 31.b of this Consent Decree, in substantially the form attached hereto as Appendix G of this Consent Decree, to implement, ensure non-interference with, or ensure the protectiveness of the remedial measures to be performed pursuant to this Consent Decree. Such Settling Defendants shall grant the access rights and the rights to enforce the land/water use restrictions to the following persons, (i) the United States, on behalf of EPA, and its representatives, (ii) the State and its representatives. Within 30 days of recording the easement, such Settling Defendants shall provide EPA with a certified copy of the original recorded easement showing a clerk's recording stamps.

d. Upon lodging of this Consent Decree, Decker and CDC shall provide Settling RA Defendants, and their contractors, with access at all reasonable times, upon reasonable prior notice, to the Adjacent Parcels, for the purpose of conducting any activity related to Settling RA Defendants obligations under this Consent Decree, including removal and use of soil as provided in Paragraph 9.d of this Consent Decree, until Certification of Completion of RA Work by EPA pursuant to Paragraph 58.b of Section XVI (Certification of Completion).